

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.4660 of 2004

Mrs.Archana Balkrishna Raikar ..Petitioner

vs.

1. State of Maharashtra & Ors. ..Respondents.

Shri A.M.Joshi for petitioner
Shri V.P.Malvankar, A.G.P. for respondent nos. 1
and 2
Smt.S.S.Deshpande for respondent nos. 3 and 4.

**CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
23rd NOVEMBER, 2004**

P.C.

1. Heard Advocates.

2. The short question is whether the petitioner is entitled to a trained teacher's salary. It appears that one post of Asstt.Teacher in B.Ed.scale is vacant. This post fell vacant due to retirement of one V.A.Darekar on 1st April, 2004. Shri Darekar was teaching Marathi and English subjects. The Education Officer has given permission to the management of the school for filling up this post from open category. The petitioner is B.A.B.Ed.(Physical) and B.A.(Marathi). There are already 3 teachers having Marathi medium and 2 full

time teachers and, therefore, the petitioner has no work load for 8 to 10 standards and hence she is not eligible to claim B.Ed.scale. It is brought to our notice that while appointing B.Ed.(Physical) teacher there must be minimum 50% of the work load available in the school. In the present case no such work load is available. Consequently the request of the petitioner for trained teacher's scale cannot be accepted at this stage. Therefore, the petition is dismissed. However, it is made clear that this order shall not preclude the petitioner from claiming B.Ed. scale in case any vacancy occurs in future.

3. Interim relief stands vacated forthwith.